

REMARKS

Claims 1-36 are all the claims pending in the application. By this amendment, claims 1, 10-16, 18, 20, 25, 32, 34 and 35 are amended. Applicant directs the Examiner to element 56 of FIG. 8 of the present application as support for the amendment of claim 1 to include the network analyzer. In view of the following Remarks, applicant respectfully requests withdrawal of the rejections and allowance of the claims.

Applicant thanks the Examiner for the indication of acknowledgement of foreign priority, acceptance of the drawings, and consideration of the references submitted in the Information Disclosure Statement. Applicant also acknowledges the Examiner's indication of the finality of the election requirement. Applicant respectfully submits that the withdrawn claims may be later rejoined if claim 1 is allowed as a generic claim.

I. Allowable Subject Matter

Applicant thanks the Examiner for indicating the allowability of claims 9 and 13-24, pending amendment to give functional limitations patentable weight. Accordingly, applicant has amended the claims so as to make them allowable.

II. Claims 1-4, 10 and 11 are novel

Claims 1-4, 10 and 11 stand rejected under 35 USC 102(b) due to alleged anticipation over Deguchi based on its publication date of September 17, 2002. Applicant notes that the Examiner has indicated a publication date of September 17, 2000 on page 3 of the Office Action; applicant believes this to be a typographical error.

Applicant respectfully submits that the present application is a National Stage entry of a PCT application that was filed on December 27, 2001. Thus, applicant respectfully submits that the applicant is entitled to this filing date for the purposes of examination, as the international filing date is the only filing date available for the application, and the §371(c)(1), (2) and (4) dates are only relevant for the purpose of patent term adjustment. *See MPEP §1893.03(b)-(c)*. Because the publication date of Deguchi is after the filing date of the present application, applicant respectfully submits that Deguchi is disqualified as prior art under 35 U.S.C. § 102(b). Accordingly, applicant respectfully requests withdrawal of the rejection based on citation of prior art having a publication date after the critical date of the present application.

Further, even if Deguchi was available under a different grounds of rejection, applicant respectfully submits that Deguchi fails to disclose all of the claimed combinations of features.

The presently claimed invention is directed to terminal stations connected by an optical link configured for sending a first optical signal having a first direction, a first pump source disposed along said optical link and configured to send on the optical link a pump radiation in said first direction to cause Raman amplification of said first optical signal, and at least one device disposed along the optical link. The device includes at least a first photodetector configured for converting a portion of the first optical signal in an electrical signal, and a first supervisory unit configured for amplifying the electrical signal, extracting a first supervisory signal from said electrical signal, and feeding the extracted and amplified supervisory signal to a modulator connected to the optical link or to a driving circuit of said pump source. Accordingly, the extracted amplified first supervisory signal is superimposed on the first optical signal. Further, the modulator is not the pump source.

FIG. 3 of Deguchi discloses an optical line between terminals 2, 4, including a photodetector 14, a control circuit 16, an optical filter unit 24, and a laser diode 12. However, applicant respectfully submits that the structure that performs the modulation is not disclosed, and thus, applicant respectfully submits that there is no disclosure of a modulator or connections thereto. Applicant also respectfully submits that the driving source of the pump does not have a structure disclosed therein.

Applicant respectfully submits that Deguchi fails to disclose that the modulator is not the pump source, as recited in independent claim 1. More specifically, Deguchi does not disclose any structure that provides a further explanation of how modulation is performed. Applicant respectfully submits that Deguchi appears to be performing modulation at the pump source, which is distinguishable from the presently claimed invention.

Additionally, applicant respectfully submits that Deguchi fails to disclose a network analyzer coupled between a photodiode and a modulator, as recited in claim 1. Applicant respectfully submits that Deguchi does not disclose the location of a modulator, much less a network analyzer coupled thereto. In contrast, FIG. 8 of the present application discloses the network analyzer as recited in claim 1.

For at least these reasons, applicant respectfully submits that Deguchi does not disclose all of the claimed combination of features recited in independent claim 1.

Dependent claims 2-4, 10 and 11 depend from independent claim 1. Applicant respectfully submits that these dependent claims are allowable for at least the same reasons as independent claim 1, from which they depend.

For at least the foregoing reasons, applicant respectfully requests withdrawal of the anticipation rejections, and allowance of the claims.

III. Claims 8 and 12 would not have been obvious

Claims 8 and 12 stand rejected under 35 USC 103(a) due to alleged obviousness over Deguchi in view of Sekiya (U.S. Patent No. 6,839,162, filed on September 10, 2001).

As noted above, applicant respectfully submits that Deguchi is disqualified as a reference under 35 U.S.C. § 102(b). Because the rejection under 35 U.S.C. § 103 cannot stand without Deguchi, applicant respectfully submits that the obviousness rejection also falls, and thus claims 8 and 12 should also be allowed.

Moreover, claims 8 and 12 depend from independent claim 1. Applicant respectfully submits that these claims are allowable for at least the same reasons as discussed above by applicant with respect to independent claim 1, from which they depend.

Thus, applicant respectfully requests withdrawal of the rejections, and allowance of these claims.

IV. The Double Patenting Rejection

Claim 1 stands provisionally rejected due to alleged obviousness type double patenting in view of claim 16 of U.S. application no. 10/500019. Applicant respectfully submits that claim 16 is allowable for at least the same reasons as discussed above with respect to independent claim 1. Applicant submits the Terminal Disclaimer attached herewith to overcome this rejection.

Accordingly, applicant respectfully requests withdrawal of the double patenting rejection, and allowance of claim 16.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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